

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JESSE JAMES PAGAN, LILYANN
DAVILA, and JACK COWAN, *on behalf of
themselves and all similarly situated persons*,

Plaintiffs,

v.

FANEUIL, INC.,

Defendant.

Civil Action No. 3:22-cv-297

UNOPPOSED MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

Plaintiffs Jesse James Pagan, Lilyann Davila, and Jack Cowan (“Plaintiffs”) hereby move this Court for final approval of the class action settlement preliminarily approved by this Court on October 3, 2022. Plaintiffs respectfully request that this Court:

- a. Grant final certification of the Settlement Class, appoint Plaintiffs Jesse James Pagan, Lilyann Davila, and Jack Cowan as Class Representatives, and appoint as Class Counsel David K. Lietz of Milberg Coleman Bryson Phillips Grossman, and M. Anderson Berry of Clayeo C. Arnold, a Professional Law Corp.
- b. Approve the requested combined attorneys’ fees and expenses in the amount of \$225,000, and Plaintiffs’ requested service awards in the amount of \$2,000 for each named Plaintiff (\$6,000);
- c. Find that the Notice met the requirements of due process and Federal Rule of Civil Procedure 23;
- d. Find that the terms of the Settlement Agreement are fair, reasonable, and adequate and approved, adopted, and incorporated by the Court;

- e. Direct the Parties, their respective attorneys, and the Claims Administrator to consummate the Settlement in accordance with the Court Order and the terms of the Settlement Agreement, and;
- f. Resolve all claims against all parties in this Action and issue the Proposed Final Approval Order.

This Motion is based on the Supporting Memorandum filed herewith; the Settlement Administrator Declaration of Postlethwaite and Netterville APAC (“P&N”) in Support of Final Approval filed herewith; the Settlement Agreement entered into between the parties as well as the Notices issued to the Class at ECF 38-2; Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement, Supporting Memorandum, Supporting Declarations, and Firm Resumes at ECF 37, 38, 38-1, 38-2, 38-3; and Plaintiffs’ Motion for Approval of Attorneys’ Fees, Expenses, and Service Awards and accompanying documents at ECF 44, 45, 45-1, 45-2, 45-3, 45-4, 45-5, and 45-6, and; all other pleadings and papers on file in this action; and any oral argument that may be heard by this Court at or prior to the Final Approval Hearing currently scheduled for February 16, 2023.

There has been no objection to this Settlement. Defendant does not oppose the relief sought in this motion.

Wherefore, premises considered, Plaintiffs request that this Court grant this motion, and also grant the motion for attorneys’ fees, costs, and service awards (ECF No. 44).

Dated: February 2, 2023

Respectfully submitted,

/s/ Lee Floyd

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Attorneys for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I certify that I caused the foregoing to be electronically filed in this case on the 2nd day of February, 2023 using the Court's CM/ECF System, thereby serving it upon all counsel of record in this case.

/s/ Lee A. Floyd
Lee A. Floyd